

1 KATHY E. MOUNT, SBN: 104736
 2 kmount@meyersnave.com
 3 SAMANTHA W. ZUTLER, SBN 238514
szutler@meyersnave.com
 4 MEYERS, NAVF, RIBACK, SILVER & WILSON
 5 555 – 12th Street, Suite 1500
 Oakland, California 94607
 Telephone: (510) 808-2000
 Facsimile: (510) 444-1108

6 Attorneys for Defendants City of South San Francisco,
 7 South San Francisco Police Department, and
 Mark Raffaelli

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

10 HOWARD ZIMMERMAN and WILLIAM
 11 CARTER,

12 Plaintiffs,

13 v.

14 CITY OF SOUTH SAN FRANCISCO,
 15 SOUTH SAN FRANCISCO POLICE
 16 DEPARTMENT, MARK RAFFAELLI, and
 DOES 1 through 10, inclusive,

17 Defendants.

Case No. C-07 3623 WHA

**NOTICE OF MOTION AND MOTION
 TO CONTINUE TRIAL AND
 CORRESPONDING DEADLINES;
 MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORT
 THEREOF; [PROPOSED] ORDER**

Date: May 1, 2008
 Time: 8:00 a.m.
 Courtroom: 9, 19th Floor
 Judge: Hon. William H. Alsup

Complaint Filed: July 13, 2007
 Trial Date: August 18, 2008

19 PLEASE TAKE NOTICE that on May 1, 2008 at 8:00 a.m., or as soon thereafter as
 20 this matter may be heard in the above-entitled court, located at 450 Golden Gate Avenue,
 21 Courtroom 9, 19th Floor, San Francisco, California, Defendant City of South San Francisco
 22 will move, and hereby does move, this Court for an order continuing the trial and
 23 corresponding deadlines in this matter. This motion is based on this Notice of Motion and
 24 Motion, the Memorandum of Points and Authorities and supporting affidavit, and all other
 25 pleadings and papers on file herein.

26 **I. INTRODUCTION**

27 This motion to continue the trial date from August 18, 2008 to a date convenient to
 28 the court, in December of 2008, as well as all corresponding deadlines, is brought by

1 Defendants City of South San Francisco Police Department and Chief of Police Mark
2 Raffaeli.

3 Defendant brings this motion on the grounds that Dan Crawford, counsel for Plaintiff,
4 was in a serious car accident in January 2008, dramatically impacting his ability to work.
5 As a result, the parties have been unable to conduct discovery or any other pre-trial
6 preparation. Mr. Crawford is not yet back at work.

7 **A. Procedural History**

8 Trial for this matter is currently set for August 18, 2008. Mediation is currently set for
9 April 15, 2008. In a separate filing, the parties are stipulating to a continuance of the date
10 to complete mediation to May 12, 2008. See Exhibit A to the Declaration of Samantha W.
11 Zutler in Support of Defendant's Motion to Continue Trial.

12 **II. ARGUMENT**

13 Pursuant to Civil Local Rule 40-1, requests to continue trial must be made by motion
14 in accordance with the provisions of Civil L.R. 7. Here, Plaintiffs' counsel was in an
15 automobile accident in January 2008. See Affidavit of Daniel M. Crawford in Support of
16 Motion to Continue Trial and Corresponding Deadlines, attached as Exhibit B to the
17 Declaration of Samantha W. Zutler in Support of Defendant's Motion to Continue Trial.
18 Since that time, he has been unavailable and unable to tend to this action. Mr. Crawford
19 has not yet returned to work, but anticipates doing so shortly. In light of his condition, the
20 parties have been unable to conduct any discovery or trial preparation in this matter.
21 Accordingly, Defendant requests the Court delay the trial date and attendant deadlines to
22 allow the parties time to prepare their respective cases.

23 **III. CONCLUSION**

24 For the reasons set forth above, Defendants City of South San Francisco Police
25 Department and Chief of Police Mark Raffaeli respectfully request that this Court grant their
26 Motion to Continue Trial and Corresponding Deadlines.

27 ///

1 Dated: March 25, 2008

2 MEYERS, NAVE, RIBACK, SILVER & WILSON

3 By: _____

4 Samantha W. Zutler
5 Attorneys for Defendants City of South San
Francisco, South San Francisco Police
6 Department, Mark Raffaelli
7
8

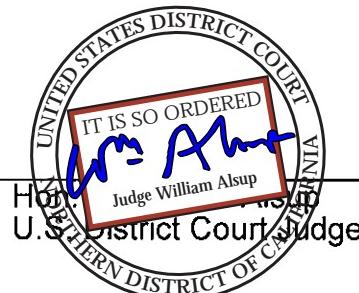
ORDER

9 The date for trial in this action is hereby continued to 12/1/2008. All corresponding
10 deadlines are continued accordingly.

11 IT IS SO ORDERED.
12

Dated: March 27, 2008

13 By: _____
14



15 1071797
16
17
18
19
20
21
22
23
24
25
26
27
28